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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,186	03/01/2004	Edward Hin Pong Lee	SJO9-2002-0096US1	3186
7590	05/25/2006		EXAMINER	KAYRISH, MATTHEW
Robert O. Guillot, Esq. IPLO INTELLECTUAL PROPERTY LAW OFFICES 1901 South Bascom, Suite 660 Campbell, CA 95008			ART UNIT	PAPER NUMBER
2627				
DATE MAILED: 05/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/791,186	LEE ET AL.	
	Examiner	Art Unit	
	Matthew G. Kayrish	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 April 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) 19-24 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 08 June 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. Claims 19-24 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method of manufacture, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/21/2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 10-14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fontana Jr. et al (US Patent Number 6999277).
4. The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.
5. Regarding claim 1, Fontana Jr. et al disclose:

A magnetic head, comprising:

A first magnetic pole layer (figure 5, item 60);

A heating device being disposed above said first magnetic pole layer (figure 5, item 116);

A first magnetic pole pedestal member being disposed above said heating device (figure 15, item 64), such that said heating device is disposed between said first magnetic pole layer and said first magnetic pole pedestal (See figure 15).

6. Regarding claims 2 and 12, Fontana Jr. et al disclose:

A magnetic head as described in claim 1 wherein said heating device includes an electrically resistive heating element (column 2, lines 9-13).

7. Regarding claim 3, Fontana Jr. et al disclose:

A magnetic head as described in claim 2 wherein said heating device includes a pair of electrical leads (figure 5, item 120), and wherein said electrically resistive heating element is disposed directly beneath said leads (See figure 5).

8. Regarding claims 4 and 13, Fontana Jr. et al disclose:

A magnetic head as described in claim 3 wherein said electrically resistive heating element includes an outer edge (figure 4, item 124), and each of said electrical leads includes an outer edge, and wherein said outer edge of said electrically resistive heating element and said outer edges of said electrical leads are aligned in a plane (See figure 5).

9. Regarding claim 5, Fontana Jr. et al disclose:

A magnetic head as described in claim 1 wherein a first electrical insulation layer (figure 5, item 108) is disposed between said first magnetic pole layer and said heating device, and wherein a second electrical insulation layer (figure 11, item 150) is disposed between said heating device and said first magnetic pole pedestal (See figure 15).

10. Regarding claims 6 and 14, Fontana Jr. et al disclose:

A magnetic head as described in claim 5 wherein said first electrical insulation layer is thicker than said second electrical insulation layer (When viewed longitudinally, the first layer is thicker than the second).

11. Regarding claims 10 and 18, Fontana Jr. et al disclose:

A magnetic head as described in claim 8 wherein the magnetic head includes an air-bearing surface, and wherein said heating device is disposed away from said air-bearing surface (figure 15, item 116 is set back from ABS).

12. Regarding claim 11, Fontana Jr. et al disclose:

A hard disk drive including a magnetic head, comprising:

A read head element (figure 15, item 52);

A write head element (figure 15, item 72);

A media heating device (figure 15, item 116);

Wherein said write head element includes a first magnetic pole (figure 15, item 60) and a first magnetic pole pedestal (figure 15, item 64), and wherein said heating device is disposed between said P1 magnetic pole and said P1 pole pedestal (See figure 15).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 7-9 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana Jr.

15. Regarding claims 7, 8, 15 and 16, Fontana Jr. et al does not specifically disclose:

A magnetic head as described in claim 6 and 14 wherein said first electrical insulation layer is approximately 1,000 angstroms thick, and said second electrical insulation layer is approximately 250 angstroms thick.

A magnetic head as described in claim 2 and 12 wherein said electrically resistive heating element is a layer of electrically conductive material having a thickness of approximately 400 angstroms and having a track width of approximately 2 microns and a stripe height of approximately 0.5 microns.

However, it would have been an obvious matter of design choice to one of ordinary skill in the art at the time the invention was made when in the course of routine engineering optimization/experimentation to manufacture these widths and thicknesses for the pole and pedestal of the write head because these are well-known dimensions of magnetic write heads, and will also help to provide for optimal capacity on the disc.

Art Unit: 2627

Moreover, absent a showing of criticality, i.e., unobvious or unexpected results, the relationships set forth in claims 7, 8, 15 and 16 are considered to be within the level of one having ordinary skill in the art.

It furthermore has been held in such a situation, the applicant must show that the particular range is critical, generally by showing that the claimed range achieves unexpected results relative to the prior art range(s); see *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Moreover, the instant disclosure does not set forth evidence ascribing unexpected results due to the claimed dimensions; see *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338 (Fed. Cir. 1984), which held that the dimensional limitations failed to point out a feature which performed and operated any differently from the prior art.

16. Regarding claims 9 and 17, Fontana Jr. et al disclose:

A magnetic head as described in claims 8 and 16 wherein said electrically resistive heating element is comprised of NiCr or NiFe (column 2, lines 13-17).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Greco Kayrish

5/18/2006

MK


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER